

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAPER PROFITS LLC,

Plaintiff,

-against-

JACK VASSELL, et al.,

Defendants.
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| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/1/2021 |
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21-cv-7633 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff alleges that I have subject matter jurisdiction over this foreclosure action on the basis of diversity “because complete diversity exists among the Plaintiff and the Defendants(s) and the amount in controversy without interest and costs, exceeds \$75,000.” (Doc. 1 ¶ 6.) Plaintiff “is a limited liability company with its home office located in” Texas. (*Id.* ¶ 2.) Defendant Jack Vassell is a New York citizen, and the John Doe Defendants are unknown individuals or entities claiming occupancy. (*Id.* ¶¶ 4–5.) This action, however, involves a limited liability company (“LLC”). (*See id.* ¶ 2.) “A limited liability company takes the citizenship of its members.” *Avant Cap. Partners, LLC v. W108 Dev. LLC*, 387 F. Supp. 3d 320, 322 (S.D.N.Y. 2016) (collecting cases). “A complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of a limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company.” *Id.* (citation omitted).

Plaintiff does not allege the citizenship of the LLC’s members or indicate whether the members are natural persons or corporate entities. Plaintiff does cite to 12 U.S.C. § 1464(x),

which provides that “[i]n determining whether a Federal court has diversity jurisdiction over a case in which a Federal savings association is a party, the Federal savings association shall be considered to be a citizen only of the State in which such savings association has its home office.” Plaintiff, however, has not established that it is a federal savings association. “Defective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts.” 28 U.S.C. § 1653. Accordingly, it is hereby:

ORDERED that by on or before October 7, 2021, Plaintiff shall file affidavits or an amended complaint adequately establishing the existence of subject-matter jurisdiction, or the action may be dismissed without further notice, for lack of jurisdiction.

SO ORDERED.

Dated: October 1, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written in a larger, more prominent script than the last name "Broderick". The signature is positioned above the printed name and title.

Vernon S. Broderick
United States District Judge